IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.17214 of 2005

Date of Decision: 30.11.2006

Prem Singh .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: None for the petitioner.

Ms.Rita Kohli, Senior DAG Punjab

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J.S.KHEHAR,J.(Oral)

In the pleadings of the instant writ petition, it is alleged, that the petitioner was inducted into the employment of the respondents as a Sub Inspector (Consolidation) on 17.7.1954. It is also apparent from the facts narrated in the writ petition, that the petitioner sought, and was sanctioned, medical leave for a period of two months on 1.3.1970, followed by leave for a period of two months. It is also alleged, that the services of the petitioner were eventually dispensed with in the year 1974.

As against the aforesaid assertions made in the writ petition, it is averred in the written statement that even if the factual position depicted in the writ petition is accepted as correct, the petitioner has approached this Court in order to challenge the order by which his employment was

allegedly terminated after a lapse of 32 years. In the joint written statement filed by respondents No.1 and 2, in paragraph 2 (on merits), it is asserted that the petitioner proceeded on leave w.e.f. 16.7.1970 to 15.8.1970 and that according to the records available with the respondents, he never assumed his duties thereafter. It is also asserted, that all records pertaining to the period under reference were destroyed in the years 1986/1990 in terms of the instructions of the State Government, and as such, it is not possible to respond to the averments made in the writ petition after so many years.

Having examined the totality of the factual position noticed hereinabove, we are satisfied that the instant writ petition has been filed in order to impugn the alleged retrenchment of the petitioner in the year 1974, after a lapse of 32 years. Even the civil suit is not maintainable, as of now, on the issues canvassed by the petitioner, through the instant writ petition, in view of law of limitation. The instant writ petition is accordingly, dismissed reasons on delay and laches.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

November 30, 2006
SRM